

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

DAVID W. BUTLER,

Defendant.

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: CIVIL ACTION NO. 00-1827
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**PLAINTIFF'S MOTION FOR PERMISSION TO REPLY
TO RECENTLY FILED AFFIDAVITS**

Plaintiff United States Securities and Exchange Commission hereby seeks leave of this Court to file a the attached Reply to two affidavits attached to David Butler's recently filed Opposition to the Commission's Motion to Strike Supplemental Declaration. The proposed Reply is offered to address the two affidavits.

Dated: November 9, 2005

Respectfully submitted,

UNITED STATES SECURITIES and
EXCHANGE COMMISSION
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Washington, DC
20549-9612
Tel: (202) 551-5140
Fax: (202) 772-9263

/s/ Timothy N. McGarey

TIMOTHY N. MCGAREY
Special Trial Counsel

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that a copy of Plaintiff's Motion to for Permission to Reply to Recently Filed Affidavits was served via U.S. Mail, postage prepaid, this 9th day of November, upon the following:

Donald J. Enright
FINKELSTEIN, THOMPSON & LOCHRAN
1050 30TH Street, NW
Washington, DC 20007

/s/ Timothy N. McGarey
Timothy N. McGarey